

REMARKS

I. Status of the Application

Pending claims 1-4, 8, and 11-12 stand finally rejected under 35 USC § 102(b) as being anticipated by USPN 6,007,775 to Yager (hereinafter Yager '775).

Applicant submits a request for continued examination of the application and amends independent claims 1 and 8 herewith.

Reconsideration of claims 1-4, 8, and 11-12 is respectfully requested in view of the foregoing amendments and following remarks.

II. Amendment to the Claims

Claims 1 and 8 are amended to clarify aspects of the invention, particularly that (i) a differential measurement is obtained plurality of measurement probes positioned along the longitudinal transport axis of the diffusion channel, and (ii) the obtained differential measurement is correlated to a predefined differential measurement corresponding to a baseline diffusion response to detect the presence or absence of activity of a bio/chemical species in presence of a reactive constituent (claim 1), or the rate of activity of a bio/chemical species in the presence of the reactive component (claim 8). These processes are described for example in Fig. 8 and in paragraph [0145].

III. Rejections under 35 USC § 102(b)

Claims 1 and 8 of the present invention are novel and inventive over the cited art, including Yager '775, as none show or suggest the recited features of obtaining a differential measurement between a plurality of probes, the differential measurement used to characterize a diffusion response occurring between the measurement probes, and subsequently correlating the differential measurement characterizing the diffusion response to a second differential measurement characterizing a baseline response, as recited in independent claims 1 and 8.

Yager '775 discloses that one or more measurement probes may be implemented in series to measure a detection gradient for each analyte (col. 4, lines 52-54), however it is unclear how these measurement probes are used in such a measurement. For example, the measurement probes could be operated independently from each other, each measurement probe operable to detect a concentration level of the analyte within its region. A further reference to measurement probes 51 and 57 situated between reagent inlets 50 and 56 and the outlet is described in col. 10, lines 65-67, but the measurement probes 51 and 57 are not shown in the figures, and no additional explanation is provided as to how the probes are used to obtain the measurement. The disclosure in Yager '775 does not provide a clear and unambiguous measurement technique for obtaining an analyte concentration level measurement may be obtained, and certainly there is no teaching as to a differential measurement technique being used to characterize the diffusion response of the bio/chemical species between the measurement probes, such a characterization compared against a baseline differential measurement response to determine the presence and/or rate of activity between the bio/chemical species and the reactive constituent.

As the aforementioned features of claims 1 and 8 are not fairly shown or suggested either in Yager '775 or the other references of record, claims 1 and 8 are allowable thereover. The remaining claims are dependent from claims 1 or 8, and according each is allowable for at least the same reasons.

Conclusion

The Applicant submits that the presently pending claims 1-4, 8, and 11-12 are patentable over the prior art, and accordingly request the issuance of a Notice of Allowance in due course. Should the Examiner believe that an interview would expedite prosecution of the case, a telephone call to the Applicant's representative is invited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Clifford B. Perry", with a stylized flourish at the end.

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